

REMARKS/ARGUMENTS

Claims 15, 21, 22, 23, 24, 25, 26 and 35 have been amended. Claims 19, 32 and 33 have been cancelled. Claims 1 to 14, 16 to 18, 20, 27 to 31, 34 and 35 are reiterated. Claims 1 to 18, 20 to 31, and 34 to 36 are pending in the application.

Applicants gratefully note that the Examiner has recognized the novelty and the non-obviousness of claims 1 to 31 and 34 to 36.

Applicants also gratefully note that the Examiner has allowed original claims 1 to 14, 16 to 18, 20 and 34 to 36, as indicated on page 6, line 2, of the Office Action dated March 21, 2005.

The amendments herein to the claims only clarify the subject matter of the present invention and are not made for purposes of patentability. No subject matter has been disclaimed, and the amendment of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added. Applicant expressly reserves the right to pursue identical or similar claims in other patent applications that are identical or similar to the claims amended in this response.

Abstract

The Abstract has been modified in accordance with the Examiner's requisition. In particular, the term "invention" has been deleted.

Disclosure

Paragraph [0003] of the disclosure, on page 1, has been amended so as to delete the embedded hyperlink, as requested by the Examiner.

Oath/Declaration

As requested by the Examiner during the telephone interview held on May 4, 2005, a copy of the combined declaration, signed by the inventors, and which was filed at USPTO on July 13, 2004 is enclosed.

Double Patenting

Claim 19 has been canceled, thereby rendering moot the objection under 37 CFR 1.75.

Claim Rejections 35 USC § 112

Claims 15, 21 to 26 and 33 have been amended so as to meet the requirements of 35 USC § 112.

Claim 15 has been amended so as to provide it with proper antecedent basis. In particular, the expression "said buttock muscles and ischial tuberosities of a user" has been replaced with "buttock muscles and ischial tuberosities of a user".

Claim 21 has been amended so as to positively claim the subcombination of a seating device for use with a floor. In particular, the expression "said first portion being inserted in an aperture" has been replaced with "said first portion being adapted to be inserted in an aperture". Moreover, the expression "said second portion being secured to said floor." has been replaced with "said second portion being adapted to be secured to said floor."

Claim 22 has been amended so as to provide antecedent basis for the expression "said second portion". In particular, claim 22 has been amended so as to depend upon claim 21. Moreover, in order to clarify that claim 22 relates to the subcombination of a seating device for use with a floor, the expression "said second portion is dimensioned in order to avoid generating obstruction to a user's foot." has been replaced with "said second portion is adapted to avoid generating obstruction to a user's foot."

Claim 23 has been amended so as to provide antecedent basis for the expression "said second portion". In particular, claim 23 has been amended so as to depend upon claim 21. Moreover, in order to clarify that claim 23 relates to the subcombination of a seating device for use with a floor, the expression "said second portion is extending above said floor from less than 1 cm." has been replaced with "said second portion is adapted to extend above said floor from less than 1 cm."

Claim 24 has been amended so as to clarify that it relates to subcombination of a seating device for use with a floor. In particular, the expression "said second portion is extending above said floor from less than 0.30 cm." has been replaced with "said second portion is adapted to extend above said floor from less than 0.30 cm."

Claim 25 has been amended, as suggested by the Examiner, so as to incorporate a "adapted to" type language. In particular, the expression "an inclined surface for receiving user's feet, said surface being inclined in such a manner that a user's feet are upwardly extending." has been replaced with "an inclined surface adapted to receive user's feet in an upwardly extending manner."

Claim 26 has been amended so as to correct a clerical error. In particular, the expression "said one end portion" has been replaced with "said end portion".

Claim 33 has been canceled.

In view of the above, Applicants respectfully submit that claims 15 and 21 to 26, as well as claims 27 to 31 depending from claim 26, are now in compliance with 35 USC § 112. Thus, the Examiner is respectfully requested to withdraw his rejection of claims 15, 21 to 31, and 33 under 35 USC § 112.

Claim Rejections 35 USC § 102

Claim 32

As previously mentioned, claim 32 has been canceled. Therefore, the Examiner is respectfully requested to withdraw his rejection of claim 32 under 35 USC § 102(b).

Claim 33

As previously mentioned, claim 33 has been canceled. Therefore, the Examiner is respectfully requested to withdraw his rejection of claim 33 under 35 USC § 102(b).

Other formalities

Claim 26 has been amended so as to correct a clerical error. In particular, the expression "first portion" has been replaced with "first member".

Claim 35 has been amended so as to correct a clerical error. In particular, the expression "a further point of support for the user" has been replaced with "a further point of support".

It is submitted, therefore, that the claims are in condition for allowance. Reconsideration of the Examiner's rejections is respectfully requested. Allowance of claims 1 to 18, 20 to 31 and 34 to 36 at an early date is solicited.

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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